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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

14 UNITED STATES OF AMERICA, and ) CASE NO. C 09-0186 CW  
15 THE PEOPLE OF THE STATE OF )  
16 CALIFORNIA *ex rel.* CALIFORNIA )  
STATE WATER RESOURCES )  
17 CONTROL BOARD, and CALIFORNIA )  
REGIONAL WATER QUALITY )  
CONTROL BOARD, SAN FRANCISCO )  
18 BAY REGION, )  
Plaintiffs, )  
v. )  
19 )  
20 EAST BAY MUNICIPAL UTILITY )  
DISTRICT )  
21 )  
Defendant. )  
22 \_\_\_\_\_ )

STIPULATION AND ORDER  
VACATING STIPULATED  
ORDER FOR PRELIMINARY RELIEF

23 On January 15, 2009, plaintiffs filed a Complaint and a Notice of Lodging, and lodged  
24 with the Court a proposed Stipulated Order for Preliminary Relief in the above captioned case.

25 On February 9, 2009, the Court signed and entered the said Stipulated Order for  
26 Preliminary Relief (also referred to hereafter as "Stipulated Order"). However, as set forth in  
27 the Notice of Lodging, pursuant to 28 C.F.R. § 50.7, the plaintiff United States is required to  
28 publish notice of lodging the Stipulated Order in the Federal Register and accept public comment  
on the proposed Stipulated Order for a period of thirty days before requesting entry of the

1 Stipulated Order. After publication of the prescribed notice in the Federal Register, the United  
2 States is to inform the Court of its views regarding any comments that may be received and, if it  
3 believes that entry of the proposed Stipulated Order remains warranted, the United States will at  
4 that time move the Court for entry of the proposed Stipulated Order.

5 Notice of the lodging of the Stipulated Order was published in the Federal Register on  
6 January 27, 2009, and comments will be received until February 27, 2009.

7 NOW THEREFORE, IT IS HEREBY STIPULATED by the United States and the  
8 defendant East Bay Municipal Utility District, that the Stipulated Order for Preliminary Relief,  
9 entered on February 9, 2009, shall be vacated until such time as the required period for public  
10 comments is at an end, and the United States informs the Court of its views regarding any such  
11 comments and moves the Court for appropriate action.

12 Respectfully submitted,

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32 /s/

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1 EDMUND G. BROWN, JR.  
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3

4 DATED: February 24, 2009  
5

6 /s/  
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15 /s/  
16 DATED: February 24, 2009  
17

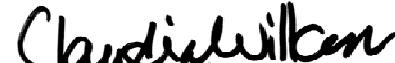
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24 District  
25

26 **ORDER**  
27

28 IT IS SO ORDERED. The Stipulated Order for Preliminary Relief is hereby vacated.  
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2 DATED: February 25, 2009  
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4   
5 CLAUDIA WILKEN  
6 United States District Judge  
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